

ADOPTED

**MINUTES OF THE NORTH PENDER ISLAND
LOCAL TRUST COMMITTEE BUSINESS MEETING
HELD ON THURSDAY, JANUARY 31, 2013, AT 9:45 AM
COMMUNITY HALL, NORTH PENDER ISLAND, B.C.**

PRESENT:	Gary Steeves	Local Trustee
	Ken Hancock	Local Trustee
	Peter Luckham	Chair
	Andrea Pickard	Island Planner
	Zorah Staar	Recording Secretary

There were twenty-five (25) members of the public in attendance.

1. CALL TO ORDER

Chair Luckham called the meeting to order at 9:52 am, acknowledging that we were gathering on traditional Coast Salish territory.

2. APPROVAL OF AGENDA

2.1 Additions/Deletions

The proposed agenda was amended as follows:

- to add 5.1.2 for January 26, 2013 Local Trust Committee minutes;
- to add 5.2.1 for January 26, 2013 Community Information Meeting notes;
- to add 5.2.2 for a January 26, 2013 Public Hearing Record;
- to add new Staff Memorandums for existing items 9.3, 10.1, and 12.3;
- to add a January 30, 2013 letter re: mining (discussed under 6.1).

Trustee Steeves noted that the applicant for item 9.2 (NP-DVP-2012.5 – Wiebe) had requested a deferral to the next meeting; the Trustees agreed.

Resolution NP-LTC-01-13

It was Moved and Seconded that agenda item 9.3 (NP-DVP-2012.5, Wiebe) be removed from today's agenda, and that the matter be deferred until the February 28, 2013 Local Trust Committee Business Meeting agenda.

CARRIED

The amended agenda was adopted by consensus.

2.2 Questions from Public on Agenda Items

Some community members wanted to speak about item 9.2 (NP-ALR-2012.1, Burdett), before any decision. The Trustees and Planner Pickard described the preliminary nature of the referral decision on the agenda (see 9.2 below), and said that comments would be welcome during the Town Hall session (item 13.).

3. COMMUNITY INFORMATION MEETING

None

4. PUBLIC HEARINGS

None

5. PREVIOUS MEETINGS

5.1 Local Trust Committee Minutes for adoption

5.1.1 Minutes of November 29, 2012 Local Trust Committee Business Meeting

The November 29, 2012 minutes were adopted by consensus.

5.1.2 Minutes of January 26, 2013 Local Trust Committee Special Meeting

The January 26, 2013 minutes were adopted by consensus.

5.2 Public Hearing Records and Community Information Meeting Notes

5.2.1 Notes of January 26, 2013 Community Information Meeting

The January 26, 2013 Notes were amended on page 1, first paragraph, to change the meeting opening time to 11:05 am to 12:23 pm; and on page 4, Schedule 4 comments, second paragraph, to delete the final point (beginning with “and that the CRD...”).

Resolution NP-LTC-02-13

It was Moved and Seconded that the Community Information Meeting Notes of January 26, 2013 be adopted as amended.

CARRIED

5.2.2 Record of January 26, 2013 Public Hearing

The January 26, 2013 Public Hearing Record was received by consensus.

5.3 Section 26 Resolutions-without-meeting

There had been one Resolution-without-meeting, to request that the Executive Committee authorize a letter from the Chair re: mining (see 6.1 below).

5.4 Advisory Planning Commission/Task Force Minutes

5.4.1 Minutes of January 14, 2013 Advisory Planning Commission Meeting

The January 14, 2013 Advisory Planning Commission minutes were received for information, with appreciation to the Commission Members for their service during the term ending soon. Current APC Members and any other persons were encouraged to express interest in serving during the upcoming term.

Trustee Steeves also noted that he appreciated APC minutes with individual comments by Members.

6. BUSINESS ARISING FROM THE MINUTES

6.1 Follow-up Action Report

Planner Pickard reviewed the Follow-up Action Report. The Planner was asked to check again about the status of item 1 (NP-DVP-2010.3).

Regarding item 22, Trustee Steeves noted the January 30, 2013 letter from the Islands Trust Chair requesting that the province reserve the Islands Trust Area from the staking of mining claims. Trustee Steeves would now share this letter with media.

7. DELEGATIONS

Chair Luckham noted that community members who had an issue to bring before a monthly Local Trust Committee meeting could ask (at least 9 or 10 days in advance) to be added to the agenda as a Delegation. People could also go to the Islands Trust website and register to receive emails about upcoming meetings and other materials.

8. CORRESPONDENCE

8.1 Short Term Vacation Rental 2013 – Note from T. Lonergan and Islanders

Tanya Lonergan had forwarded a petition signed by herself and other islanders, asking that the Local Trust Committee re-instate short term vacation rentals (STVR's) as an acceptable use, with a regulatory process.

Trustee Hancock noted that a number of the petition signatures appeared to be not local, illegible, from South Pender, or from people's children. The Trustees further confirmed that there was already a Temporary Use Permit process available for STVR owners who wanted to try to legalize this use of their property, and that such an application would bring the issue onto the Local Trust Committee agenda. In the absence of this, the Work Program had many longstanding issues to be dealt with first. See also item 11.1 below.

9. APPLICATIONS, PERMITS, AND REFERRALS

9.1 NP-TUP-2012.2 (Mainroad Properties Inc.)

Planner Pickard reviewed the January 16, 2013 Staff Report commenting that NP-TUP-2012.2 (Mainroad Properties Inc.) was an application by the highways contractor for a Temporary Use Permit; that this was to replace and upgrade their salt shed, and to allow other existing and proposed industrial uses; that there were no submissions or calls in response to the notice; and that the proposed permit addressed environmental and screening issues.

Resolution NP-LTC-03-13

It was Moved and Seconded that the North Pender Island Local Trust Committee amend Temporary Use Permit NP-TUP-2012.2 as follows:

1. revise paragraphs 1, 3, 4 and 5.(a) to include Schedule B.;
2. revise clause 5.(f) to insert the words “planted and maintained” after the words “must be”; and
3. revise Schedule B to replace “Western Cedar” with “Leylandii Cypress”.

CARRIED

Resolution NP-LTC-04-13

It was Moved and Seconded that the North Pender Island Local Trust Committee approve Temporary Use Permit NP-TUP-2012.2 (Mainroad) as amended, for a period of three years.

CARRIED

9.2 NP-ALR-2012.1 (Burdett)

Planner Pickard reviewed the January 7, 2013 Staff Report and commented that NP-ALC-2012.1 (Burdett) was an application for non-farm uses in the Agricultural Land Reserve (ALR); that such applications required approval by the Agricultural Land Commission (ALC), but were initially submitted to the Local Government, for referral to the ALC by resolution; that the requested non-farm uses in this case were a proposed waste transfer station and composting on an industrially-zoned portion of the property at 4606 Razor Point Road, and also a public trail along the property boundary with Hamilton and Bedwell Harbour Roads; and that the ALC process did not provide for public consultation, but people could write to them.

The Trustees commented as follows: that they had read all the submissions and heard other comments to date on this application, including opposition to any referral to the ALC; that the ALC, with their expertise, was the appropriate body to decide if the proposed non-farm uses were appropriate for this property; that it was important and useful to find out the ALC’s position, because a negative response would remove the need for a complex rezoning debate.

The Trustees add that if the ALC did approve the non-farm uses, there would still have to be a future rezoning application to the Local Trust Committee which may or may not be approved; and that this rezoning application would involve notification to the community, and a Community Information Meeting and Public Hearing for public consultation.

Resolution NP-LTC-05-13

It was Moved and Seconded that the North Pender Island Local Trust Committee directs staff to forward the non-farm use application NP-ALC-2012.1 (Burdett), to the Agricultural Land Commission for consideration of the following non-farm uses:

- The transfer, storage and shipping of discarded goods and materials;
- The in-vessel composting of organic waste; and
- Dedication of a 3 metre wide trail adjacent to Hamilton and Bedwell Harbour Roads.

CARRIED

9.3 NP-DVP-2012.5 (Aronowicz c/o Wiebe)

See 2.1 above re: deferral of this application to the February 28, 2013 meeting.

9.4 Salt Spring Island Bylaw No. 465 Referral

9.5 Salt Spring Island Bylaw No. 466 Referral

Planner Pickard reviewed the two Bylaw Referral Forms from the Salt Spring Island Local Trust Committee, regarding their Proposed Bylaws No. 465 and 466 (pertaining to amending a Land Use Contract and zoning for a particular property).

Resolution NP-LTC-06-13

It was Moved and Seconded that Staff be directed to inform the Salt Spring Island Local Trust Committee that the interests of the North Pender Island Local Trust Committee are unaffected by Proposed Bylaws No. 465 and 466.

CARRIED

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 NP-OCP-2011.1 and NP-LUB-2011.1 (Sidney Island)

10.1.1 Proposed Bylaw No. 187 (LUB Amendment)

10.1.2 Proposed Bylaw No. 188 (OCP Amendment)

Planner Pickard reviewed the Staff Memorandum dated January 29, 2013 and commented that Proposed Bylaws No. 187 and 188 would amend the North Pender Associated Islands Land Use Bylaw and Official Community Plan, in relation to Sidney Island; that there had been a January 26, 2013 Community Information Meeting and Public Hearing in this regard; and that community members had made suggestions for further revisions to the Bylaws.

The Trustees discussed these suggestions, which included referring to the Sidney Island Statutory Building Scheme, increasing the proposed maximum dwelling size (to match James Island), and using a different name for sloped "Hazard Lands" (all supported), and also a suggestion to decrease the boundaries of the related Development Permit Area (not supported).

Resolution NP-LTC-07-13

It was Moved and Seconded that the North Pender Island Local Trust Committee Proposed Bylaw No. 189, cited as "North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002, Amendment No. 1, 2011", Schedule 1, be amended by adding a seventh point to the list, for Sidney Island Properties, that the proposal would be in keeping with the Purpose of the Statutory Building Scheme particularly as it relates to the preservation of the natural environmental attributes and aesthetic values, and the visual impacts of development.

CARRIED

Resolution NP-LTC-08-13

It was Moved and Seconded that the North Pender Island Local Trust Committee Proposed Bylaw No. 189, cited as "North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002, Amendment No. 1, 2011", Schedule 4 and Schedule 6, be amended by changing the name from Sidney Island Hazard Lands Development Permit Area to Sidney Island Geotechnical Development Permit Area.

CARRIED

Resolution NP-LTC-09-13

It was Moved and Seconded that the North Pender Island Local Trust Committee Proposed Bylaw No. 187, cited as "North Pender Associated Islands Land Use Bylaw 148, 2003, Amendment No. 1, 2011", be amended by replacing 375m² (4,036ft²) with 465 m² (5,005ft²) in clause 54 which restricts the maximum floor area of a single family dwelling.

CARRIED

Resolution NP-LTC-10-13

It was Moved and Seconded that the North Pender Island Local Trust Committee Proposed Bylaw No. 187, cited as “North Pender Associated Islands Land Use Bylaw 148, 2003, Amendment No. 1, 2011”, as amended be given Third Reading.

CARRIED

Resolution NP-LTC-11-13

It was Moved and Seconded that the North Pender Island Local Trust Committee Proposed Bylaw No. 187, cited as “North Pender Associated Islands Land Use Bylaw 148, 2003, Amendment No. 1, 2011” be forwarded to the Secretary of the Islands Trust for Executive Committee approval.

CARRIED

Resolution NP-LTC-12-13

It was Moved and Seconded that the North Pender Island Local Trust Committee Proposed Bylaw No. 189, cited as “North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002, Amendment No. 1, 2011”, as amended be given Second Reading.

CARRIED

Resolution NP-LTC-13-13

It was Moved and Seconded that the North Pender Island Local Trust Committee to proposed Bylaw No. 189, cited as “North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002, Amendment No. 1, 2011”, be given Third Reading.

CARRIED

Resolution NP-LTC-14-13

It was Moved and Seconded that the North Pender Island Local Trust Committee Proposed Bylaw No. 189, cited as “North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002, Amendment No. 1, 2011” be forward to the Secretary of the Islands Trust for Executive Committee approval.

CARRIED

Resolution NP-LTC-15-13

It was Moved and Seconded that the North Pender Island Local Trust Committee Proposed Bylaw No. 189 cited as “North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002, Amendment No. 1, 2011” be forwarded to the Minister of Community, Sport and Cultural Development for approval.

CARRIED

10.2 NP-6500-20 (Road Designation)

Planner Pickard referred to the Staff Report dated January 8, 2013, and commented that this report attached a draft Bylaw No. 192 to amend the Official Community Plan Road Classification Schedule; this had been requested by the Moving Around Pender Alternative Transportation Society, to designate the Magic-Ferry bicycle-walking route, and show the existing Car Stop Network; and that 10 more car stop locations might be ready to add before the Bylaw approval process was completed (as described).

Resolution NP-LTC-16-13

It was Moved and Seconded that the North Pender Island Local Trust Committee Draft Bylaw No. 192, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2012” be given First Reading.

CARRIED

Resolution NP-LTC-17-13

It was Moved and Seconded that the North Pender Island Local Trust Committee directs staff to schedule a Community Information Meeting and a Public Hearing for Proposed Bylaw No. 192, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2012”, as part of a regularly scheduled Local Trust Committee meeting.

CARRIED

Resolution NP-LTC-18-13

It was Moved and Seconded that the North Pender Island Local Trust Committee directs staff to run an additional advertisement for the Community Information Meeting and Public Hearing in the local Pender Post newspaper.

CARRIED

11. REPORTS

11.1 Work Program Reports

11.1.1 North Pender Island Local Trust Committee Work Program

Further re: item 8.1 on Short-Term Vacation Rentals (STVR's), the Trustees commented about this being a neighbourhood issue, requiring the kind of neighbourhood approval and conditions which could be applied through the existing Temporary Use Permit process (if an STVR owner chose to apply for a TUP). There were various Land Use Bylaw changes on the Work Program that had been waiting years to be addressed. There were no changes to the Work Program.

11.2 Applications Report

11.2.1 North Pender Island Applications Report

Planner Pickard reviewed the available Applications Report.

11.3 Bylaw Enforcement

11.3.1 Signs Enforcement

Planner Pickard noted the Staff Report dated December 18, 2012, regarding Enforcement Options to Remove Illegally Located Signs.

Trustee Steeves said that he was meeting with the Ministry of Transportation & Infrastructure next week, whose staff were currently researching safety issues arising from roadside signs.

Resolution NP-LTC-19-13

It was Moved and Seconded that the recommendations in the sign enforcement Staff Report dated December 18, 2012, be held in abeyance until further notice from the Local Trust Committee.

CARRIED

11.4 Expense/Budget Reports

11.4.1 Trustee and Local Expenses Report

11.4.2 Local Trust Committee Budget 2012/2013

Trustee Hancock said that there would be more expenditures added for the fiscal year ending March 31, 2013 (e.g. Shoreline Protection Project).

11.5 Adopted Policies and Standing Resolutions Report

For information

11.6 North Pender LTC Web Page

Planner Pickard noted that materials regarding the Agricultural Land Reserve application NP-ALR-2012.1 (Burdett) were now on the Islands Trust website.

11.7 Chair's Report

Chair Luckham commented that the next Islands Trust Council meeting was on Thetis Island on March 4, 5 and 6, 2013. This would include discussion of the annual budget, which had been kept to an essential cost of living increase, and on which public input was invited.

11.8 Trustee Reports

Trustee Steeves commented that on March 2, 2013, there was a Pender Conservancy event about Pender shorelines; that the Nature Conservancy of Canada (NCC) was having upcoming work parties on James Island; that the NCC was also being asked to assist with preservation of the Hunt watershed property on Pender; and that the Ministry of Transportation & Infrastructure was supporting the Hooson Road speed limit reduction and corner restoration.

12. OTHER BUSINESS

12.1 Upcoming Meetings

12.1.1 Next Local Trust Committee Business Meeting

The next Local Trust Committee Business Meeting was scheduled for Thursday, February 28, 2013, (9:45 am, Community Hall Lounge).

12.2 Advisory Planning Commission – Expiration of Appointments

Resolution NP-LTC-20-13

It was Moved and Seconded that the North Pender Island Local Trust Committee direct staff to pursue options 1 and 2 in the Staff Memorandum (regarding Advisory Planning Commission appointments).

CARRIED

12.3 National Marine Conservation Area – Exclusion Zones

Resolution NP-LTC-21-13

It was Moved and Seconded that the North Pender Island Local Trust Committee request Staff to bring back a report on Parks Canada's proposed National Marine Conservation Area boundaries for North Pender Island (specifically the three marinas), along with any recommendations for community consultation.

CARRIED

12.4 Pender Island Conservancy – Shoreline Series

On March 2, 2013, the Pender Island Conservancy Association was organizing two field sessions about North Pender and South Pender shorelines, with a visiting expert.

13. TOWN HALL MEETING

Bill Gannon commented in opposition to application NP-ALR-2012.1 (Burdett), saying that the Official Community Plan provided that industrial uses with a deleterious effect on adjacent land uses would not be permitted.

Oliver Gannon said that the foregoing application would involve a waste transfer station 100 feet from the seashore.

The Trustees repeated that NP-ALR-2012.1 (Burdett) was simply a referral to the Agricultural Land Commission, which (if successful) would have to be followed by a rezoning application with full public consultation.

Linda Gannon asked about a buffer zone for smell, around a waste transfer station.

Trustee Steeves said that this would be considered during a rezoning application.

Ron Henshaw asked about the materials forwarded to the Agricultural Land Commission (ALC) for NP-ALR-2012.1 (Burdett), and said that he felt the Staff Report implied the land was more disturbed than it actually was, and also that the report should have been more neutral about composting.

The Planner and Trustees said that the ALC would be sent the Staff Report and other professional reports, but that they had their own records and expertise, and would be doing a site visit.

Sara Steil commented as follows: that it was good for the Magic-Ferry Trail to be for cyclists and walkers, and not to include horses or all-terrain vehicles (like the Trans-Canada Trail); and that regarding the National Marine Conservation Area, the negative environmental impacts of marinas extended far beyond their immediate area.

14. ADJOURNMENT

The meeting was adjourned by consensus at approximately 1:56 pm.

RECORDER

CHAIR